

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ILA LaFRENTZ, JIM LaFRENTZ,)
KATHERINE PORTERFIELD; AND)
WILLIAM LaFRENTZ, Individually)
And as Representatives of the)
Estate of JAMES B. LaFRENTZ,)
)
 Plaintiffs,)
)
VS.) Civil Action No:
) 4:18-cv-04229
3M COMPANY, et al,)
)
 Defendants.)

ORAL DEPOSITION VIA ZOOM OF KENNETH S. GARZA
November 19, 2020

ORAL DEPOSITION VIA ZOOM OF KENNETH S. GARZA,
produced as a witness at the instance of the Defendant
General Dynamics Corporation, and duly sworn, was taken
in the above-styled and numbered cause on the 19th day
of November, 2020 from 8:44 a.m. to 11:42 a.m., witness
appearing at Fair Oaks Ranch, Texas, before JAMIE
JACKSON, CSR in and for the State of Texas, reported by
machine shorthand via Zoom under the Texas Current
Emergency Order State of Disaster, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.

1 sampling time for this work activity is one minute,
2 right?

3 A. Correct.

4 Q. Now, the concentration that is measured for that
5 one minute is 28.8 fibers per cc. Am I reading that
6 correctly?

7 A. You are.

8 Q. All right. And this is a result of phase
9 contrast microscopy?

10 A. Yes, sir.

11 Q. All right. So you would agree when that protocol
12 is used what you're actually counting was just fibers,
13 right?

14 A. You're actually counting fibers within a certain
15 sizing criteria, which include asbestos.

16 Q. What is that size in criteria?

17 A. 3 to 1. 3 to 1 ratio .25 micron diameter.

18 Q. All right.

19 A. Less than 5 -- or excuse me, greater than 5 in
20 length.

21 Q. So in using the phase contrast protocol, what the
22 person that's doing the counting is counting anything
23 that fits within that size of protocol, correct?

24 A. Yes, sir. Typically they will take those values
25 and compare them to the then OSHA's PELs are excursion